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Fleit Gibbons Gutman Bongini & Bianco PL
21355 EAST DIXIE HIGHWAY
SUITE 115
MIAMI, FL 33180

EXAMINER	
WATTS, JENNA A	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/576,240	MEIRI-BENDEK ET AL.	
	Examiner	Art Unit	
	Jenna A. Watts	1781	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 July 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,7-15 and 18-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,7-15 and 18-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-4, 7-10, 13-15, 19 and 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There does not appear to be support in the originally filed specification for the phrase "an enzymatically prepared fat base composition **being** a mixture of vegetable-derived triglycerides" in amended Claim 1 and new Claim 20 as the specification provides support for the fat base **comprising** a mixture of vegetable-derived triglycerides. Regarding new Claim 20, the phrase "the total fatty acid residues include one of the total palmitic acid residues content is at most 38% of the total fatty acid residues" also does not appear to be supported in the originally filed specification. This is a new matter rejection and Applicant is encouraged to point out where support can be found for the amended claim limitation.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-4, 7-10, 13-15, 19 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claims 1-3 recite the limitation "the total palmitic acid residues" in lines 3 and 2 of the claims, respectively. There is insufficient antecedent basis for this limitation in the claim.

6. Claims 1 and 20 recite the limitation "the unsaturated fatty acids" in lines 7-10 and 12 of the claims. There is insufficient antecedent basis for this limitation in the claim.

7. Regarding new Claim 20, the phrase “the total fatty acid residues include one of the total palmitic acid residues content is at most 38% of the total fatty acid residues” does not make sense and is unsupported by the originally filed specification. It is also unclear how new Claim 20 is different from amended Claim 1. In view of the lack of clarity regarding new Claim 20, it will be rejected as for Claim 1.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 1-4, 7-10, 13-15, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over King et al. (U.S. Patent No. 4,876,107) in view of Innis et al. (American Institute of Nutrition, 1995), both previously made of record, and further in view of Carroll (Journal of Nutrition, 1989).

12. Regarding Claims 1-3, 9 and 20, King teaches an enzymatically prepared fat base composition being a mixture of vegetable derived triglycerides because King teaches a substitute milk fat composition in the form of blends for use in feeding young

mammals and especially infants (Column 1, lines 7-8), thus also deemed a substitute human milk fat composition and an infant formula because King teaches that an infant formula comprises a blend of the of a rearranged vegetable fat composition along with vegetable oil (Column 6, lines 50-21 and 45-46), and teaches a fat base composition blend wherein the total palmitic acid residues content is at most 38% of the total fatty acid residues because King teaches a blend wherein the palmitic acid residues are 30% of the total fatty acid composition of the blends (see Table 3, % of 16:0 in fat blend 3). King further teaches that at least half of the fatty acid residues in the sn2-position are C16 and/or C18 saturated, preferably consisting substantially of palmitic acid, particularly 60-90% by weight of the total 2-position fatty acids (Column 2, lines 25-29) and teaches 57% of the fatty acid residues at the sn-2 position of the glycerol backbone are palmitic acid residues (see Table 3, % of 16:0 in Blend 3). King teaches that such an arrangement results from the rearrangement of vegetable fat via enzymes (Column 3, lines 20-25), therefore reading on the fat base being an enzymatically prepared fat base composition being a mixture of vegetable derived triglycerides. King further teaches that milk replacement fats should match the performance of milk fat as closely as possible in order to reproduce its physical and dietary characteristics and teaches that human milk fat consists of a variety of triglycerides of both saturated and unsaturated fatty acids (Column 1, lines 13-18). King further teaches that the proportions of infant formulations have been adjusted from time to time in an effort to develop a formula more nearly approximating to mother's milk (Column 1, lines 25-27).

13. Regarding amended Claim 1, King teaches in fat blend 3 that 18.7% of the unsaturated fatty acid residues at the sn-1 and sn-3 positions are linoleic acid residues (see Table 3, % of 18:2 under 1,3 position fatty acids). It is also noted that in fat blend 2 of King, 61.9% of the unsaturated fatty acid residues at the sn-1 and sn-3 positions are oleic acid residues (see Table 3, % of 18:1 under 1,3 position fatty acids). Regarding the amount of linoleic acid, King's teaching of 18.7% in fat blend 3 is close to the range of 6-17% claimed by Applicant and King's teaching of 61.9% of oleic acid in fat blend 2 is close to the range of 40-60% claimed by Applicant. King teaches that the 1,3 positions of the compositions should include unsaturated fatty acids and these should preferably consist largely of oleic acid with linoleic acid and palmitoleic and less than 1% of others (Column 2, lines 30-35). King further teaches that the proportion and variety of these fatty acids may be determined in accordance with dietary and physical requirements of the composition required (Column 2, lines 39-41). Therefore, given the above teachings of King, one of ordinary skill in the art would have reasonably expected that an amount of linoleic or oleic just outside the range claimed by Applicant would not amount to an inventive step, barring any criticality associated with the ranges claimed by Applicant and therefore, the ranges claimed by Applicant would have been an obvious modification of the amounts taught by King to one of ordinary skill in the art at the time that the invention was made.

14. King does not specifically teach embodiments of the enzymatically prepared fat base composition where both the total palmitic acid residues are at most 38% of the

total fatty acid residues and at least 60% of the fatty acid residues at the sn-2 position of the glycerol backbone are palmitic acid residues.

15. Regarding the claim limitation of at least 60% of the fatty acid residues at the sn-2 position of the glycerol backbone are palmitic acid residues, Innis teaches that palmitic acid represents 20-30% of the fatty acids in human and pig milk, and around 70% of this is esterified to the sn-2 position of the milk triacylglycerol (Page 73, Column 1, lines 1-5). Innis further teaches that a higher fat absorption has been found in infants fed triacylglycerols with 16:0 esterified to sn-2 rather than sn-1,3 positions and on the basis of this finding, the higher coefficient of absorption of human milk fat has been hypothesized to be related to the positioning of 16:0 at the sn-2 position of the milk triacylglycerol (Page 73, Column 2, lines 12-19). Innis teaches that the results of the studies undertaken are consistent with the hypothesis that the preferential esterification of 16:0 at the sn-2 position of milk triacylglycerols is important to ensure a high coefficient of milk fat absorption (Page 79, Column 1, lines 22-28). Innis teaches that the present study confirms previous work which found that feeding milk or formula containing 55-70% 16:0 in fatty acids esterified to the triacylglycerol sn-2 position results in enrichment of plasma cholesteryl esters with 16:0 (Page 80, Column 1, lines 55-57).

16. Therefore, King teaches that it is known and beneficial to develop infant formulas that approximate the fatty acid profile of mother's milk in order to reproduce its physical and dietary characteristics and Innis teaches that results have shown that where palmitic acid is present in an amount of from 55-70% of fatty acids at the sn-2 position,

there is an increase in fat absorption, as compared to palmitic acid presence at sn-1 or sn-3 positions.

17. Therefore, it would have been obvious to one of ordinary skill in the art at the time that the invention was made, for the enzymatically prepared fat base composition of King to have the claimed composition of fatty acids, because King teaches embodiments that possess the claimed amount of total palmitic acid residues and the amount of palmitic acid present at the sn-2 position of the glycerol backbone, and teaches the importance of developing infant formulas that possess a fatty acid profile that approximates mother's milk and Innis teaches the benefit to infant nutrition where the amount of palmitic acid residues at the sn-2 position are between 55-70%. Therefore, one of ordinary skill in the art would have been motivated by both King and Innis to develop a fat base composition for use in infant formulas that approximates, as close as possible, the taught palmitic acid profile in the sn-2 position in order to provide a suitable substitute to human milk for infants, thereby allowing maximum fat absorption.

18. King in view of Innis does not specifically teach wherein either 6-17% of the unsaturated fatty acid residues at the sn-1 and sn-3 positions are linoleic acid residues or that 40-60% of the unsaturated fatty acid residues at the sn-1 and sn-3 positions are oleic acid residues, or both.

19. Carroll teaches recommendations for nutrients in infant formulas and teaches that the parent fatty acid of the n-6 family is linoleic acid (Page 1810, Column 2, line 5), and teaches that the n-6 fatty acids should not exceed 20% of total fatty acids or 10% of

total energy in standard infant formulas (Page 1811, Column 1, lines 19-21). Carroll teaches the rationale for the recommendation involves the fact that n-6 fatty acids are the precursors of many biologically active eicosanoids and high dietary levels of n-6 acids may influence production of such compounds in ways that could be desirable. Carroll further teaches that dietary n-6 acids can also compete with n-3 acids for chain elongating and desaturating enzymes and may thus inhibit the formation of the longer-chain n-3 acid, DHA and lack of availability of this fatty acid during development could also have undesirable consequences. Carroll also teaches that polyunsaturated fatty acids are susceptible to autooxidation and there is continuing concern over the biological effects of the oxidative products. Carroll teaches that although polyunsaturated fats normally contain substantial amounts of vitamin E, which acts as an antioxidant, there is no guarantee that this can entirely prevent the formation of oxidation products that could have deleterious effects on development (Page 1811, Column 2, lines 6-22).

20. King teaches the desirability of having the 1,3 positions of the compositions including unsaturated fatty acids and these should preferably consist largely of oleic acid with linoleic acid and palmitoleic and less than 1% of others (Column 2, lines 30-35) and teaches an amount of linoleic acid near the range claimed by Applicant and further teaches that the proportion and variety of these fatty acids may be determined in accordance with dietary and physical requirements of the composition required (Column 2, lines 39-41). Carroll teaches the preferable nutritional composition of infant formulas

and teaches the potentially undesirable effects of higher than recommended amounts of n-6 fatty acids such as linoleic acid.

21. Therefore, it would have been obvious to one of ordinary skill in the art at the time that the invention was made, for the linoleic acid in the fat base composition of King in view of Innis to have been in the range of 6-17% of the unsaturated fatty acid residues at the sn-1 and sn-3 positions, because King teaches an infant formula with unsaturated fatty acids present in the sn-1 and sn-3 positions and Carroll teaches potential risks of having higher levels of n-6 fatty acids such as linoleic acid, in infant formulas. Taking the teachings of King and Carroll together, one of ordinary skill in the art would have reasonably expected to optimize and modify the amount of linoleic acid at the 1 and 3 positions in an infant formula composition, taking into account the nutritional benefits of linoleic acid as well as weighing its potential risks associated with infant development, as highlighted by Carroll.

22. Regarding Claim 4, King in view of Innis and Carroll teach that sn-1 and sn-3 positions include unsaturated fatty acids, preferably largely consisting of oleic and linoleic acids (see King, Column 2, lines 30-33) and further teach embodiments of the fat base composition wherein at least 70% of the fatty acid residues at the sn-1 and sn-3 positions are oleic and other unsaturated fatty acid residues because King in view of Innis teach that the combination of oleic and linoleic fatty acids are 75% at the sn-1 and sn-3 positions for blend 3 of the fat base composition (see Table 4, combined 18:1 and 18:2 at sn-1 and 3 position of fatty acids).

23. Regarding Claims 7 and 8, King in view of Innes and Carroll further teach that other fats may be included in the composition of the invention, including vegetable oils, for example sunflower oil and soya bean oil, having a high content of polyunsaturated fatty acid glycerides, to improve the dietary benefit of the compositions of the invention (see King, Column 2, lines 50-53). King in view of Innis and Carroll further teach that the substitute milk fat composition comprises 10-30% vegetable oil, which is below 75%, and the balance of the substitute milk fat composition would be the enzymatically rearranged vegetable fat composition (see King, Column 6, Claims 6 and 8). Therefore, the enzymatically rearranged vegetable fat composition would be present in at least 25% of the substitute milk fat composition. King in view of Innis and Carroll further teach that the resulting infant formula provides fat, protein and carbohydrate, where in the fat normally found in such formulations is replaced by an enzymatically rearranged fat in accordance with the present invention (see King, Column 3, lines 20-25).

24. Regarding Claim 10, since vitamins, minerals, nucleotides, amino acids and carbohydrates are optional elements, King in view of Innis and Carroll meet the claimed limitations.

25. Regarding Claim 13, King in view of Innis and Carroll are taken as cited above in the rejection of Claim 7 and are deemed to teach a process of preparing the substitute human milk fat composition comprising admixing vegetable oil with the fat base composition (see rejection of Claim 7).

26. Regarding Claims 14 and 15, King in view of Innis and Carroll are taken as cited above in the rejection of Claims 1 and 7 and are deemed to teach the fat base

composition for use in the preparation of a substitute human milk fat composition for infant formula and for use in the preparation of an infant formula. (see rejection of Claims 1 and 7-10).

27. Regarding Claim 19, King in view of Innis and Carroll are taken as cited above in the rejection of Claim 7 and further teach that vegetable oils, for example sunflower oil and soya bean oil, having a high content of polyunsaturated fatty acid glycerides, can be added to the composition to improve the dietary benefit of the compositions of the invention (see King, Column 2, lines 50-53). King in view of Innis and Carroll do not specifically teach that the substitute human milk fat composition comprises blending with 50 to 75% of at least one vegetable oil.

28. However, it would have been obvious to one of ordinary skill in the art at the time that the invention was made, to optimize the amount of vegetable oil in the substitute human milk fat composition in order to provide a substitute milk fat composition that comprises an ideal amount of polyunsaturated fatty acid glycerides, which are known to improve the dietary benefit of the composition. One of ordinary skill in the art would have been motivated by cost and the nutritional requirements of the resulting substitute milk fat composition to optimize the amount of vegetable oil present in order to provide consumers with a cost effective and nutritionally viable alternative to human milk.

29. Furthermore, the amount of vegetable oil added to the composition does not appear to be critical in light of Claim 7, wherein the vegetable oil can be present in amounts up to 75% of the composition.

30. Claims 11, 12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over King et al. (U.S. Patent No. 4,876,107) in view of Innis et al. (American Institute of Nutrition, 1995), previously made of record, and Carroll (Journal of Nutrition, 1989), and further in view of Cooper (U.S. Patent No. 5,371,253), previously made of record.

31. Regarding Claims 11, 12 and 18, King in view of Innis and Carroll are relied upon as cited above in the rejection of Claim 1.

32. Regarding Claims 11 and 18, King in view of Innis and Carroll are taken as cited above in the rejection of Claim 1 and teach a process of preparing an enzymatically rearranged fat composition comprising the steps of: (a) reacting an upper-melting fraction of palm oil, which is expected to be rich in palmitic acid, with oleic acid, in the presence of lipase deposited on Celite (see King, Column 4, lines 51-55), which is deemed an insoluble catalyst in view of Applicant' disclosure and use of an immobilized lipase per Example 1 on Page 16 of Applicant's specification. It is noted that King also uses hexane in the process, but since Claim 11 claims "comprising the steps of", this does not preclude the use of other elements also present in the process. King in view of Innis and Carroll further teach (b) removing the catalyst, and (c) distilling the free fatty acids (see King, Column 4, lines 62-68). Since step (e) is optional, King in view of Innis and Carroll are deemed to meet the claim limitation.

33. Regarding Claims 11 and 12, King in view of Innis and Carroll do not specifically teach the step (d) of bleaching the oil after distilling and also do not specifically teach the step of fractionation preceding deodorization.

34. Cooper teaches that processing steps such as degumming, bleaching, filtration, deodorization, fractional crystallization, which is deemed to meet the limitation of a fractionation step, and the like are techniques known in the art for refining natural vegetable or animal oils and fats and that products produced from fatty acids, such as palm oil or palm kernel oil, can be additionally purified or treated using such techniques (Column 8, lines 64-68, Column 9, lines 1-3 and Column 10, lines 46-47 and 64-66).

35. Therefore, it would have been obvious to one of ordinary skill in the art at the time that the invention was made, for the process of preparing a fat base composition to have further comprised the step of bleaching and a step of fractionation preceding deodorization, because Cooper teaches that bleaching, deodorization and fractionation are techniques known in the art for refining natural vegetable or animal oils and teaches such techniques can be used on products produced from palm oil or palm kernel oil. One of ordinary skill in the art would have been motivated by Cooper to use such known techniques as bleaching, deodorizing and fractionation for their known benefits in order to produce a more refined or treated final product.

36. Regarding the specific series of method steps in Claim 12, it has been found that "selection of any order of performing process steps is prima facie obvious in the absence of new or unexpected results." See MPEP 2144.04 IV C. In the instant case, the selection of the order of the deodorization and fractionation steps after the step of bleaching would be expected to be obvious to one of ordinary skill in the art at the time that the invention was made, in order to efficiently and economically prepare a fat base composition of the desired purity and quality.

Response to Arguments

37. The 112 2nd rejection of Claims 5, 6, 16, and 17 have been withdrawn in light of Applicant's amendments.

38. Applicant's arguments, filed 7/20/2010 with respect to the rejection(s) of the pending claim(s) under 35 U.S.C. 103 have been fully considered and are persuasive. Therefore, the rejections have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made over King in view of Innis and further in view of Carroll for the reasons set forth above. Additionally, a new rejection under 35 U.S.C. 112 2nd Paragraph of Claim 1 and new Claim 20 has been set forth for the reasons set forth above in part due to the fact that Applicant has not addressed the lack of antecedence rejections in the previously set forth rejection that apply to the current set of claims as well.

39. Regarding Applicant's arguments relating to the fat blends of King not reading on the enzymatically prepared fat base composition of Claims 1 and 20, it is noted that the term "fat base composition" as claimed is not limited to fat compositions that must be diluted, blended, etc. before use and any fat composition which meets the claimed limitations and is suitable to be a component in the preparation of infant formulas and substitute milk compositions can be considered to be in the scope of the claims. Since the term has not been defined in the specification, it is the position of the Examiner that any fat composition having the claimed parameters can read on Claims 1 and 20. In this way, Claim 1 does not preclude the blends of King from meeting the claimed limitation.

40. Regarding Applicant's arguments relating to the reference of Innis, it is noted that Innis is used to motivate the claimed amount of palmitic acid at the sn-2 position, for which Innis provides clear motivation and therefore, the claimed amount of at least 60% of the fatty acid residues at the sn-2 position being palmitic acid residues would have been obvious to one of ordinary skill in the art in light of the teachings of Innis.

41. It is noted that King teaches a composition that is close to that of Claim 1, namely total palmitic acid in an amount of at most 38%, 57% of the fatty acid residues at the sn-2 position being palmitic and 19% of linoleic at sn-1 and 3 positions out of the unsaturated fatty acid residues. In light of the teachings of King and the prior art, modifying the fatty acid composition to be in the range claimed by Applicant would have been reasonably expected to be the result of routine experimentation to one of ordinary skill in the art for the reasons stated in the above rejection.

42. Regarding Applicant's arguments relating to the amount of the fat base used in the infant formula, the Examiner's position is maintained and the amount of each of the two components would have been obvious to one of ordinary skill in the art, depending on the nutritional profile desired in the final infant formula.

43. Regarding Applicant's arguments relating to the rejection of the method claims 11, 12 and 18, it is noted that King in view of Innis and Carroll teach the bulk of the method steps and the remaining steps of bleaching and fractionation are known steps to be carried out when dealing with purification of vegetable oils, as taught by Cooper, therefore, to incorporate such method steps into the method of King in view of Innis and

Carroll would have been obvious to one of ordinary skill in the art in view of the art recognized benefits of such steps.

Conclusion

44. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenna A. Watts whose telephone number is (571) 270-7368. The examiner can normally be reached on Monday-Friday 9am-5:00pm.

45. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Keith Hendricks can be reached on (571) 272-1401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

46. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. SAYALA/
Primary Examiner, Art Unit 1781
/Jenna A. Watts/
Examiner, Art Unit 1781
September 23, 2010